

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 3, 2015

The City Council convened in Regular Session on Tuesday, February 3, 2015 at 7:05 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Dave Beckering, presiding, and the Honorable Mayor Sally A. Faith and Members of the Council present as follows: Tom Besselman, John Hanneke, Rod Herrmann, Bridget Ohmes, Mary Ann Ohms, Jerry Reese, Ron Stivison and Mary West. Absent: Laurie Feldman. City Clerk Laura L. Whitehead was present and performed the duties of that office.
File # 48303

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by ROD HERRMANN to excuse the absence of Councilmember Laurie Feldman. JOHN HANNEKE seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Dave Beckering announced that the following Public Hearings would now be held. At the conclusion of the Public Hearings, the Regular Session continued with the order of business:

Case No. Z-2015-1. (NT Home Builders, LLC.). An application to amend the adopted New Town Regulating Plan Transect Zone Map for a portion of the New Town At St. Charles known as Lot 2401-M-1 from T6 Urban Core Zone to T5 Urban Center Transect Zone. The total acreage of land adjacent to Granger Boulevard and Barter Street subject to this application is 0.36 acres. (Ward 8). (***Council Bill 11527***)

Case No. Z-2015-2. (O'Reilly Development Co.) An application to rezone land located west of Harry S. Truman Boulevard, east of the Foxborough Estates Subdivision and north Ehlmann Road from 9.39 acres of I-1 Light Industrial District and 0.86 acres of R-1D Single-Family Residential District to the O-I Office Institution District (total 10.25 acres). The subject property is proposed to be developed as a new senior housing/congregate care facility. The subject area for rezoning is 10.25 acres and is located in Ward 6. (***Council Bill 11532***)

Case No. TA-2015-1. (EG Systems, Inc. – Melanie Vodnick) An application to amend Chapter 400: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri by amending §400.240(C), specifically to add “Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacturing or processing” to the list of Conditional Uses for the I-1 Light Industrial District. (***Council Bill 11530***)

Case No. TA-2015-2. (City of St. Charles). An application to amend Chapter 400: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri by amending §400.050 Definitions, to add a definition for Temporary Enclosure and to amend

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§400.210(C), specifically to add Temporary Enclosures to the list of Conditional Uses for the C-1 Neighborhood Business District. (*Council Bill 11531*)

REPORT OF THE MAYOR/AWARDS/PROCLAMATIONS/PRESENTATIONS

Budget Amendment #1 (*Council Bill 11519*)

Mayor Faith reported Budget Amendment #1, Council Bill 11519, is being introduced tonight. If the Councilmember's have any questions relative to the proposed budget amendment, please contact the Mayor's Office.

Budget Amendment #2 (*Council Bill 11520*)

Mayor Faith reported Budget Amendment #2, Council Bill 11520, is being introduced tonight. If the Councilmember's any have questions relative to the proposed budget amendment, please contact the Mayor's Office.

Written and/or Verbal Messages from the Mayor

Mayor Faith reported she received a letter from a resident thanking Pat from the Street Division for her assistance with the SCAT bus schedule and routes.

Mayor Faith announced upcoming events. For more information on the events, visit www.historicstcharles.com.

Mayor Faith reported the Fete De Glace Festival was held this past weekend and the event was a success!

PUBLIC COMMENT

Al Foster, 59 Barkely Place, St. Charles, Missouri, voiced concerns relative to the company, R.V. Wagner Construction Co., hired to complete the road project in the Governor's Subdivision.

RESOLUTIONS

A Resolution Declaring Real Property as Surplus Property and Authorizing Disposal by Competitive Sealed Bid (*Sponsor: Mary Ann Ohms*)

Passed "Aye": Ohms, Ohms, Reese, Stivison, West, Beckering, Besselman, Hanneke and Herrmann

"Nay": None

Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Resolution R15-04**

A Resolution Declaring One Motor Vehicle Assigned to the Information Technology Department as Surplus Property and Authorizing Disposal by Sale via St. Louis Auto Auction (*Sponsor: Ron Stivison*)

Passed "Aye": Ohms, Reese, Stivison, West, Beckering, Besselman, Hanneke, Herrmann and Ohms

"Nay": None

Absent: Feldman

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Approved by the Honorable Mayor on February 5, 2015 and is known as **Resolution R15-05**

A Resolution Declaring Certain Parks and Recreation Department Equipment Surplus Property and Authorizing Disposal by On-Line Auction Service GovDeals (*Sponsors: Laurie Feldman and Rod Herrmann*)

Passed “Aye”: Reese, Stivison, West, Beckering, Besselman, Hanneke, Herrmann, Ohmes and Ohms

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Resolution R15-06**

A Resolution Declaring Certain Parks and Recreation Department Equipment and Vehicles Surplus Property and Authorizing Disposal by Trade-In (*Sponsors: Laurie Feldman and Rod Herrmann*)

Passed “Aye”: Stivison, West, Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms and Reese

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Resolution R15-07**

A Resolution Declaring Certain Items of Furniture, Equipment and Office Supplies as Surplus Property and Authorizing Disposal by On-Line Auction Service GovDeals (*Sponsor: Dave Beckering*)

Passed “Aye”: West, Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese and Stivison

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Resolution R15-08**

BILLS FOR FINAL PASSAGE

Bill 11509

An Ordinance Authorizing a Contract with Don Brown Chevrolet, Inc. for the Purchase of Seven (7) 2015 Chevrolet Tahoe Police Pursuit Vehicles in an Amount Not to Exceed \$212,142.00 (*Sponsors: Jerry Reese, Ron Stivison and Laurie Feldman*)

Passed “Aye”: Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison and West

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 9, 2015 and is known as **Ordinance 15-021**

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Bill 11510

An Ordinance Authorizing a Contract with HD Supply Waterworks, LTD for the Purchase of Miscellaneous Water Supplies Used by the Water Division in an Amount Not to Exceed \$122,040.00 (*Sponsor: Rod Herrmann*)

Passed “Aye”: Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison and West

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Ordinance 15-022**

Bill 11511

An Ordinance Authorizing an Interlocal Agreement with Region VIII Education Service Center to Provide Competitively Bid Cooperative Purchasing Services to the City of St. Charles Through a Program Known as The Interlocal Purchasing System (TIPS) Program (*Sponsors: Laurie Feldman and Rod Herrmann*)

Passed “Aye”: Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison and West

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 5, 2015 and is known as **Ordinance 15-023**

Bill 11512

An Ordinance Amending Code of Ordinances Section 145.240 Regarding Procurement of Professional Architectural, Engineering and Land Surveying Services (*Sponsor: Ron Stivison*)

Passed “Aye”: Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison and West

 “Nay”: None

 Absent: Feldman

Approved by the Honorable Mayor on February 6, 2015 and is known as **Ordinance 15-024**

Bill 11513 (to be Tabled until April 7, 2015, in Accordance with 90 Day Requirement)

An Ordinance Amending Section 500.040 and 500.050 to Adopt the 2015 Edition of the *International Building Code*; Amending Section 500.070 and 500.080 to Adopt the 2015 Edition of the *International Residential Code for One- and Two-Family Dwellings*; Amending Section 500.090 and 500.100 to Adopt the 2015 Edition of the *International Energy Conservation Code*; Amending Section 500.110 and 500.120 to Adopt the 2015 Edition of the *International Property Maintenance Code*; Amending Section 500.130 and 500.140 to Adopt the 2015 Edition of the *International Existing Building Code*; Amending Section 500.150 and 500.160 to Adopt the 2015 Edition of the *International Mechanical Code*; Amending Section 500.170 and 500.180 to Adopt the 2015 Edition of the *International Fuel Gas Code*; Amending Section 500.190 and 500.200 to Adopt the 2014 Edition of the *National Electrical Code*; Amending Section 500.240 and 500.250 to

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Adopt the 2015 Edition of the *International Plumbing Code*; and Enacting a New Article Containing Two New Sections, To Be Known As Sections 500.276 and 500.277, that Adopt the 2015 *International Swimming Pool and Spa Code*, to Make Local Amendments Thereto; and to Provide and Effective Date Thereof (*Sponsor: Dave Beckering*)

A motion was made by DAVE BECKERING to table Council Bill 11513 until April 7, 2015, in accordance with the 90 day requirement of the bill. TOM BESSELMAN seconded the motion. All voted in favor, motion passed.

Bill 11514 (to be Tabled until April 7, 2015, in Accordance with 90 Day Requirement)

An Ordinance Amending Sections 205.060 and 205.070 of the Code of Ordinances of the City of Saint Charles Missouri, to Adopt the *International Fire Code*, 2015 Edition (*Sponsor: Dave Beckering*)

A motion was made by DAVE BECKERING to table Council Bill 11513 until April 7, 2015, in accordance with the 90 day requirement of the bill. TOM BESSELMAN seconded the motion. All voted in favor, motion passed.

Bill 11515

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for Traffic Flow Improvements on Droste Road (*Sponsors: Ron Stivison, Rod Herrmann, Bridget Ohmes, Mary Ann Ohms and John Hanneke*)

Passed “Aye”: Beckering, Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison and West

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 6, 2015 and is known as **Ordinance 15-025**

Bill 11516

An Ordinance Approving a First Amendment to the Development Agreement for Charlestowne Crossing; Authorizing and Approving a Development Finance Agreement for Phase IV of The New Town at St. Charles Neighborhood Improvement District; and, in Connection Therewith, Authorizing and Directing the Recording of Notice of Establishment of a Neighborhood Improvement District, Pursuant to Section 67.457.7 the Neighborhood Improvement District Act (*Sponsor: Dave Beckering*)

Councilmember Rod Herrmann requested a separate vote on Council Bill 11516.

Passed “Aye”: Besselman, Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West and Beckering

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on February 6, 2015 and is known as **Ordinance 15-026**

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Bill 11517

An Ordinance Ordering That Assessments Be Made Against Benefited Properties Situated Within a Portion of The New Town at St. Charles Neighborhood Improvement District Based Upon Estimated Costs of Certain Improvements; Ordering Preparation of an Assessment Roll; and Calling for a Public Hearing and Providing Direction for the Giving of Notice Thereof; All Pursuant to the Neighborhood Improvement District Act (*Sponsor: Dave Beckering*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Reese, Stivison, West, Beckering, and Besselman
 “Nay”: None
 Absent: Feldman

Approved by the Honorable Mayor on February 6, 2015 and is known as **Ordinance 15-027**

Council President Beckering recognized two Boy Scouts from Troop 975 who were in attendance at tonight’s meeting.

BILLS FOR INTRODUCTION

The following council bills were introduced:

Bill 11518

An Ordinance Authorizing Amendments to the Contracts with St. Charles Senior Center, Inc., and Mid-East Area on Aging for the St. Charles Senior (O’Dell) Center to Adopt an Information Technology Policy (*Sponsor: Jerry Reese*)

Bill 11519

An Ordinance Amending Ordinance Number 14-264 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2015 (Budget Amendment #1) (*Sponsor: Dave Beckering*)

Bill 11520

An Ordinance Amending Ordinance Number 14-264 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2015 (Budget Amendment #2) (*Sponsor: Rod Herrmann*)

Bill 11521

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and REJIS Commission to Provide 2015 Law Enforcement Services for the Police Department for Communications and Computer Service in an Amount Not to Exceed \$46,976.12 (*Sponsors: Ron Stivison and Laurie Feldman*)

Bill 11522

An Ordinance Authorizing Contract Amendment Number 2 to the Three-Year Contract (Years 2013, 2014, 2015) with Melrose Pyrotechnics, Inc. for Providing One (1)

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Additional Fireworks Display on July 3, 2015 in an Amount of \$34,500.00, for a Total Contract Amount Not to Exceed \$206,850.00 (*Sponsor: Jerry Reese*)

Bill 11523

An Ordinance Ordering that Certain Improvements Within and Benefitting the Phase Four Area of The New Town at St. Charles Neighborhood Improvement District of the City of Saint Charles Be Made; and Directing that Financing for the Costs Thereof Be Obtained, All Pursuant To the Neighborhood Improvement District Act (*Sponsor: Dave Beckering*)

Bill 11524

An Ordinance Suspending the Prohibition Against Drinking Alcoholic Beverages in Public Places at the Location and During the Hours of Operation of the Music on Main 2015 Event; Authorizing an Agreement with the Historic Downtown Business Association for the Purpose of Conducting the Music on Main Special Event from May Through September 2015, Which Shall Include the Placing of Booths on a Portion of the Main Street Sidewalk for the Dispensing of Alcoholic Beverages and Sale of Food to the Public, and the Providing of Live Entertainment (*Sponsors: Mary Ann Ohms and Ron Stivison*)

Bill 11525

An Ordinance Suspending the Prohibition Against Drinking Alcoholic Beverages in Public Places at the Location and During the Hours of Operation of the 2015 Events of Sunday Fundays and the Mosaics Festival (*Sponsors: Mary Ann Ohms and Ron Stivison*)

Bill 11526

An Ordinance Amending Schedule III, Table III-A of Chapter 350 of the Code of Ordinances by Establishing a Parking Restriction Along a Portion of Madonna Drive at the Intersection of West Randolph Street (*Sponsors: John Hanneke, Bridget Ohmes, Mary Ann Ohms, Rod Herrmann and Ron Stivison*)

Bill 11527

An Ordinance Approving an Amendment to the Regulating Plan Transect Zone Map for a .36 Acre Portion of the New Town at St. Charles, Known As Lot 2401-M-1, by Amending from the T6 Urban Core Zone to the T5 Urban Center Transect Zone (*Sponsor: Dave Beckering*)

Bill 11528

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-M-1-A, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Dave Beckering*)

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Bill 11529

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-G-1, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Rod Herrmann*)

Bill 11530

An Ordinance Amending Chapter 400 of the Code of Ordinances by Amending Section 400.240(C) to Allow Fertilizer Storage as a Conditional Use in the "I-1" Light Industrial District (*Sponsor: Mary Ann Ohms*)

Bill 11531

An Ordinance Amending Section 400.050 of the Code of Ordinances by Adding a Definition for Temporary Enclosure and Amending Section 400.210 of the Code of Ordinances by Adding Temporary Enclosures as a Conditional Use in the C-1 Neighborhood Business District (*Sponsors: Dave Beckering and Mary Ann Ohms*)

Bill 11532

An Ordinance Rezoning to Zoning District O-I (Office Institution District) from Zoning District I-1 (Light Industrial District) and R-1D (Single-Family Residential District) Approximately 10.25 Acres of Land Located West of Harry S Truman Boulevard, East of Foxborough Estates Subdivision and North of Ehlmann Road (*Sponsor: Jerry Reese*)

Bill 11533

An Ordinance Authorizing Amendment Number 2 to the Foundry Art Centre Parking Lot Lease (*Sponsors: Jerry Reese, Mary Ann Ohms and Mary West*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Establishment and Appointment of Members to the Charter Review Committee (*referred by Councilmember John Hanneke*)

Councilmember John Hanneke suggested a Charter Review Committee be established to review the current City Charter for any typos and/or inconsistencies with current City policies. Mr. Hanneke further suggested the following Members serve on the Committee: Chairman John Hanneke, Councilmember Tom Besselman, Director Bruce Evans, Director Matthew Seeds, Manger Shanton Fountain and City Clerk Laura Whitehead.

A motion was made by JOHN HANNEKE to approve the establishment of a Charter Review Committee along with the appointment of the following Members: Chairman John Hanneke, Councilmember Tom Besselman, Director Bruce Evans, Director Matthew Seeds, Manger Shanton Fountain and City Clerk Laura Whitehead. TOM BESSELMAN seconded the motion. All voted in favor, motion passed.

File #48316

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Amendment to Council Rule 23 (referred by Councilmember Tom Besselman)

Councilmember Tom Besselman announced he is in support of the proposed amendment to Council Rule 23. The amendment will add the following language: A Council Member may speak at a Council Committee meeting regardless of whether the Council Member is a member of the particular Council Committee. A brief discussion was held relative to the proposed amendment. It was mentioned, according to Council Rule 41, the proposed amendment to Council Rule 23 is being announced this evening and will be voted upon at the February 17, 2015, Regular City Council Meeting.

File #48317

CONSENT AGENDA

A motion was made by MARY ANN OHMS to approve the Consent Agenda. JOHN HANNEKE seconded the motion. A roll call vote was taken, with the following results: "Aye": Hanneke, Herrmann, Ohmes, Ohms, Stivison, West, Beckering and Besselman. "Nay": None. Absent: Reese and Feldman. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of January 20, 2015

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes

- a. Street Committee Meeting of January 13, 2015

File #48318

- b. Mayor & Council Retreat of January 10, 2015

File #48319

- c. Joint City Council and St. Charles School Board Meeting of January 13, 2015

File #48320

2. Approval of Council Committee Motions/Actions/Recommendations

- a. Street Committee Meeting of January 13, 2015

- i. Motion to move Priority 2 (West Clay Reconstruction-Duchesne to Droste) project application to Priority 1, move Priority 1 (Harry S. Truman Rd Reconstruction Phase II) project application to Priority 2 and approve the Resolution of Support for 2015 Project Applications for Federal Surface Transportation (STP) and Congestion Mitigation and Air Quality Program (CMAQ) Funding Currently available through East West Gateway Council of Governments (EWGCOG)
 - ii. Motion to accept staff recommendation to keep existing on-street parking along the north side of Madonna Drive and extend the existed restricted parking approximately 60'

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- beyond the curb radius return along the south side, including yellow curb painting and installing no parking signage
 - iii. Motion to proceed with the creation of a No-Parking zone on a section of Hameln Drive in Hanover Manor Subdivision
 - b. Mayor & Council Retreat of January 10, 2015
 - c. Joint City Council and St. Charles School Board Meeting of January 13, 2015
- C. Receipt of Reports from Boards, Commissions, or Committees
- 1. Park and Recreation Board Meeting of October 22, 2014
File #48156
 - 2. Park and Recreation Board Work Session of November 5, 2014
File #48156
 - 3. Park and Recreation Board Meeting of December 17, 2014
File #48156
 - 4. Park and Recreation Board Work Session of January 7, 2015
File #48156
 - 5. Convention and Visitors Commission Meeting of June 26, 2014
File #48154
 - 6. Convention and Visitors Commission Meeting of August 28, 2014
File #48154
 - 7. Convention and Visitors Commission Meeting of September 25, 2014
File #48154
 - 8. Convention and Visitors Commission Meeting of October 23, 2014
File #48154
 - 9. Economic Development Commission Meeting of November 6, 2014
File #48148
 - 10. Special Business District Advisory Board Meeting of December 4, 2014
File #48127
 - 11. Landmarks Board Meeting of December 8, 2014
File #48129
 - 12. Board of Public Works Meeting of December 8, 2014
File #48157
 - 13. Housing Authority Meeting of December 9, 2014
File #48219
- D. Receipt of Reports of the Director of Administration
- 1. Monthly Report on Requests for Intra-departmental Transfer of Appropriations >\$10,000 – December, 2014
File #48136

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2. Request to Fill Vacant Position within the Engineering Division of the Public Works Department (**Non-VRIP position**)
File #48322
3. 2015 Employee Compensation Plan
File #48323
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Gilmore & Bell for not to exceed \$42,000 to provide Bond Counsel Legal Services for the issuance of approximately \$4,000,000 of Neighborhood Improvement District General Obligation Bonds for the New Town at St. Charles Infrastructure Project, Phase 4 (Charlestowne Crossing) Improvements, Series 2015
C15-059
2. Contract with SCI Engineering Inc. for testing services on the Fifth Street Gateway Improvement Project, in an amount not to exceed \$96,795
C15-060
3. Supplemental Agreement No. 1 with Cole & Associates, Inc. for additional engineering services for the 14STR23 – 2015 Grant Funding Application Support Project for the West Clay (Duchesne, east to City Limits) Rehabilitation concept design and the Skinner Extension and Realignment concept design in an amount of \$12,625.00 for a total contract amount of \$42,435.00
C14-596
4. Amendment No. 13 to the Contract with Lewis Rice & Fingersh, L.C. to provide legal services related to employment law matters in an amount of \$10,000 for a total contract amount of \$89,000
C08-508
5. Amendment No. 1 to the Contract with Lewis Rice & Fingersh, L.C. to provide legal services related to labor agreement negotiations with Local 148 of the International Union of Operating Engineers in an amount of \$10,000 for a total contract amount not to exceed \$40,000
C14-260
- F. Preliminary Plats (*none*)
- G. Miscellaneous
1. Receipt of the December 2014 Investment Report
File #48138

CLOSED SESSION

A roll call vote was taken to convene into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo

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610.021.2); hiring, firing, disciplining or promotion of particular employees by a public governmental body when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9) with the following results: "Aye": Herrmann, Ohmes, Ohms, Stivison, West, Beckering, Besselman and Hanneke. "Nay": None. Absent: Reese and Feldman. Motion passed.

The open portion of the Regular Council Meeting was adjourned at 7:53 p.m.

Date Approved

City Clerk

Dave Beckering, Presiding Officer